

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7019

BILL NUMBER: HB 1371

NOTE PREPARED: Jan 3, 2012

BILL AMENDED:

SUBJECT: County Officer Presence in Office.

FIRST AUTHOR: Rep. Ubelhor

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires the county auditor, treasurer, recorder, surveyor, coroner, and assessor ("county officers") to be physically present in their respective offices at least 20 hours each week.

It authorizes the county executive to increase the minimum physical presence requirement for all county officers or specified county officers. It also provides that the county executive may reduce or waive the requirement for the county surveyor or the county coroner.

The bill modifies the requirement to accommodate for vacation, sick, personal, and other leave to which a county officer is entitled under Indiana or federal law or county personnel policy.

It provides that a county officer who habitually violates the physical presence requirement may be removed from office through an information filed by any voter of the county.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General

Fund.

Explanation of Local Expenditures: If a person successfully brings an information against a county official for not being physically present in the office at least 20 hours a week, the county office will be vacated and a caucus will be convened to fill the vacancy, if the county official was a candidate of a major party. Additionally, court costs will be assigned to the defendant.

Explanation of Local Revenues: If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Counties, trial courts, city and town courts.

Information Sources:

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